

MONGOLIA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mongolia is a multiparty parliamentary democracy governed by a democratically elected government. The June 9 presidential election and 2020 parliamentary elections were peaceful and generally considered free and fair, although some observers expressed concern regarding allegations of vote buying.

The National Police Agency and the General Authority for Border Protection, which operate under the Ministry of Justice and Home Affairs, are primarily responsible for internal security. The General Intelligence Agency, whose director reports to the prime minister, assists these two agencies with internal security. The armed forces report to the Ministry of Defense and assist internal security forces in providing domestic emergency assistance and disaster relief. Civilian authorities maintained control over the security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of the use of criminal libel laws; serious government corruption; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and forced child labor.

Government efforts to punish officials who committed human rights abuses or acts of corruption were inconsistent.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or

unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices. Nevertheless, the quasigovernmental National Human Rights Commission (NHRC) and nongovernmental organizations (NGOs) reported some prisoners and detainees were subjected to unnecessary force and cruel, inhuman, or degrading treatment or punishment, particularly to obtain confessions.

Responsibility for investigating allegations of torture and abuse is assigned to either local police or the Independent Authority Against Corruption, with the anticorruption authority generally responsible for crimes committed while on duty. The prosecutor's office oversees such investigations.

In March a soldier died after he was beaten by his platoon leader. The Mongolian Armed Forces issued a public apology. The officer was dismissed and convicted of murder.

The NHRC reported that to coerce or intimidate detainees, authorities sometimes made access to legal counsel difficult. Human rights NGOs and attorneys reported obstacles to gathering evidence of torture or abuse. For example, although many prisons and detention facilities had cameras for monitoring prisoner interrogations, authorities often reported the equipment was inoperable at the time of reported abuses.

Under the criminal code, all public officials are subject to prosecution for abuse or torture, including both physical and psychological abuse. The maximum punishment for torture is a five-year prison sentence, or life in prison if the victim dies as a result of torture. Although officials are liable for intentional infliction of severe bodily injury, prosecutions of this crime were rare. The law states that prohibited acts do not constitute a crime when committed in accordance with an

order given by a superior in the course of official duties and without knowledge the act was prohibited. A person who knowingly enforces an illegal order is considered an accomplice to the crime. The law provides that the person who gives an illegal order is criminally liable for the harm caused, but prosecutions were rare.

As of September, the National Police Agency reported investigating nine complaints of rape by public officials, among them one police officer. Four cases involved underage victims. Police also investigated 24 complaints of causing intentional damage to others' health committed by public officials, including one police officer.

Impunity was not a significant problem in the security forces. The NHRC, lawyers, human rights activists, and NGOs continued to raise concerns regarding impunity for law enforcement officials and demanded the re-establishment of a special investigation unit under the Prosecutor General's Office that had been dissolved in 2014. They noted that investigations of criminal acts committed by security forces and law enforcement personnel were frequently handled internally, with the most serious penalty being termination of employment rather than criminal conviction. Although a law passed in January 2020 established a commissioner within the NHRC in charge of torture prevention, the position had not been filled as of September. The commissioner would have the authority to make unannounced inspections of places of detention and interrogation.

In June, President Battulga pardoned the former head of the General Intelligence Agency (GIA), Bat Khurts, for his role in the 2017 torture of suspects convicted of murder in connection with the 1998 assassination of Sanjaasuren Zorig, a leader of the country's democratic revolution. The GIA head and other defendants were convicted in 2020 and received prison sentences ranging from one to two years.

In a September 2020 report, Amnesty International concluded that the government failed to ensure that all victims of torture and other abuse had access to effective remedies and redress.

Prison and Detention Center Conditions

Physical Conditions: Authorities assigned male prisoners a security level based

on the severity of their crimes and held them in a prison of the corresponding security level. There was only one prison for women, with separate facilities for different security levels, as well as a facility for female prisoners with infant children. Authorities held pretrial detainees in separate facilities from convicted prisoners.

The 21 prisons and 29 pretrial detention centers were generally not overcrowded. Conditions in police-operated alcohol detoxification centers were poor.

The General Executive Agency of Court Decision reported three deaths in prisons as of September. According to the agency, 30 prisoners had contracted tuberculosis as of September. Correctional officials routinely released terminally ill patients shortly before death, which NGOs alleged led to misleadingly low prisoner death statistics.

Administration: The Prosecutor General's Office monitors conditions in prisons, arrest centers, and detention centers; it and the NHRC conducted multiple scheduled, surprise, and complaint-based inspections of prisons, pretrial detention centers, arrest centers, and police-run detoxification centers. The NHRC also conducted investigations of credible reports of human rights abuses.

Independent Monitoring: The government allowed access by independent nongovernmental observers and the NHRC, but authorities sometimes limited the areas observers could visit. The NHRC conducted inspections at five prisons and detention facilities during the year.

Improvements: Authorities built one sports facility and vegetable green houses in five prisons to improve prison food.

d. Arbitrary Arrest or Detention

The law provides that no person shall be arrested, detained, or deprived of liberty except by specified procedures and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Government agencies generally observed these requirements. The GIA sometimes detained suspects for questioning without charge, but the criminal code requires that a

prosecutor supervise all detentions.

Arrest Procedures and Treatment of Detainees

An evidence-based, prosecutor-approved warrant is generally required to arrest a suspect on criminal grounds. Within 24 hours of an arrest, a prosecutor must present a request stating the grounds and reasons for the arrest to a judge, who must decide within 48 hours whether to prolong the detention or release the suspect. The arresting authority must notify a suspect's family within six hours of an arrest. A "pressing circumstances" exception in the law allows police to arrest suspects without a warrant. Examples of exceptions include murder or grave bodily injury, serious property damage, hot pursuit of a fleeing suspect, and suspicion that destruction of evidence would occur. In such cases a prosecutor must approve the arrest within 24 hours, and a judge must approve the arrest within the normal 48-hour period. If 72 hours pass after an arrest and a judge has not made a decision, police must release the suspect. Upon release, authorities must inform the suspect of the reasons for the arrest and detention. There is a bail system which ties the amount to be charged to the severity of the crime and the personal situation of the defendant.

Authorities generally charged and informed detainees of the charges promptly and advised them of their right to counsel. Maximum pretrial detention with a court order is 18 months. Detainees generally had prompt access to family members, although repeated transfers or detention in remote locations undermined this right.

A detainee has the right to an attorney during pretrial detention and all subsequent stages of the legal process, including after sentencing. If a defendant does not engage an attorney, the government must appoint one if the defendant has a physical or mental disability that would hinder self-defense, is a minor, or is not proficient in the Mongolian language. The law allows the government to provide a lawyer upon request for an indigent defendant. Detainees were generally aware of their right to legal counsel, but misperceptions limited their use of this right. For example, detainees were frequently unaware they could exercise this right from the start of the legal process and frequently did not assert it unless and until their cases

reached trial.

Arbitrary Arrest: The NHRC had received 25 complaints of illegal arrest, arbitrary detention, and extended imprisonment as of October, all of which were referred for prosecution. It reported that when conducting investigations, investigative agencies occasionally detained suspects without judicial authorization, sometimes secretly, and police employed such practices despite the availability of other methods of restraint, including bail, another person's personal guarantee, and military surveillance. The personal guarantee system allows relatives to vouch for an accused family member.

In October police detained two leaders of the #NoDoubleStandard movement, a movement protesting what it termed the government's selective enforcement (or double standard) of anti-COVID-19 regulations, for 30 days for refusing to comply with a police order and insulting others. A parliamentary subcommittee on human rights concluded that law enforcement officers acted too harshly.

Several individuals, including some candidates and a member of parliament, were detained, tried, or convicted on corruption or abuse of power charges in the run-up to the June 2020 parliamentary elections. Some defendants claimed they were being politically targeted, citing the timing of the detention and prosecution, and complained they could not appeal the lawfulness of their detention.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but some legislators, NGOs and private businesses reported that judicial corruption and third-party influence continued. Courts rarely entered not guilty verdicts or dismissed criminal charges over the objection of prosecutors, even when full trials had produced no substantial evidence of guilt. Courts often returned criminal cases to prosecutors when acquittal appeared more appropriate. For instance, in 2019-20, the appellate court remanded 502 criminal cases to first-instance courts and 269 cases to law enforcement for additional investigation.

In January parliament passed the Law on Judiciary, which invalidated controversial 2019 provisions that gave the National Security Council the authority to recommend: the suspension of judges, subject to the approval of the Judicial

General Council; the dismissal of the prosecutor and deputy prosecutor general; and the dismissal of anticorruption agency officials, subject to approval of the parliament. The Law on Judiciary also restructured the Judicial General Council, created an independent Judicial Disciplinary Committee, and stated that this disciplinary committee has the sole right to suspend judges.

The law requires all trials to be open to the public and the press, except for cases involving state secrets, underage defendants, or underage victims. In several cases, however, courts rejected defendants' requests to open their trials to the public and media, citing lack of space, COVID-19-related social distancing requirements, or both. In such cases the courts generally allowed selected representatives of the press to attend the opening and closing sessions of the trial.

Trial Procedures

The law provides for the right to a fair and public trial without undue delay, and the judiciary generally enforced this right.

Defendants are presumed innocent and have the right to be informed of the charges against them. Courts provide free interpretation services as needed, including sign language interpretation, unless a court decides to recover procedural expenses from a defendant found guilty. The law also extends to all defendants the right to be present at their trial in the court of first instance (but not during appeals); to communicate with an attorney of their choice (or in some cases one provided at public expense); to receive adequate time and facilities to prepare a defense; to confront witnesses; to present one's own witnesses and evidence; not to be compelled to testify or confess guilt; and to appeal. NGOs and observers reported that authorities sometimes did not observe these rights and that nepotism and bribery of judges, prosecutors, and expert witnesses, sometimes contributed to unwarranted convictions, dismissals, or reductions of sentences.

Procedural due process errors and inconsistencies often affected trials. Although the number of government-provided defense lawyers was adequate given the limited circumstances in which they are provided, their quality and experience were inconsistent, and many defendants lacked adequate legal representation. Judges often relied on confessions with little corroborating evidence. Furthermore,

NGOs reported witness intimidation by government authorities and police, a lack of transparency in courts' decision-making processes, and a low level of awareness regarding criminal and procedural laws.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Administrative and judicial remedies are available for alleged human rights violations. The government sometimes failed to enforce court orders pertaining to human rights.

Property Seizure and Restitution

According to NGOs, the government sometimes forced people to move off land for redevelopment without adequate compensation.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The law provides for freedom of expression, including for members of the press, and the government generally respected this right. The government imposed content restrictions in some instances, licensing occasionally proved problematic, and there was reported harassment of journalists.

Freedom of Expression: On June 15, presidential inauguration day, police arrested at least three civil activists criticizing the government's handling of the

pandemic. Police released them on the same day.

Freedom of Expression for Members of the Press and Media, Including Online Media: A 2020 law on measures to combat the COVID-19 pandemic includes fines for individuals or legal entities found guilty of spreading disinformation about the pandemic. The Globe International Center, a local NGO specializing in freedom of the press and media, noted that the law authorizes police to determine initially whether editorial content contained misleading or false information. In a December 2020 survey of 300 journalists conducted by the Mongolian Media Council, more than half of them thought media freedom had deteriorated since the government declared a national emergency in response to the pandemic. In September a group of journalists protested COVID-19 regulations restricting journalists' access to the parliament building.

The Globe International Center reported continued pressure from police, politicians, and large business entities on local media and press outlets.

The ownership and political affiliations of media often were not disclosed to the public.

The law allows media organizations to seek redress against a person who, by threats of violence, attempted bribery, or other means of intimidation, seeks to compel them to withhold critical information about that person. In such cases the media organization may pursue criminal charges or file a civil complaint against the alleged offender. If convicted, that person is subject to a fine, revocation of the right to travel from one to six months, and one to six months' imprisonment.

Censorship or Content Restrictions: Communications Regulatory Commission regulations on digital content and television and radio service impose content restrictions in broad terms, for example on extreme violence. The government appoints the chair and members of the commission, which grants television and radio broadcast licenses without public consultation. This process, together with a lack of transparency during the license-tendering process, inhibited fair access to broadcast frequencies and benefited those with political connections. This also contributed to some self-censorship by journalists.

Libel/Slander Laws: The law treats libel and slander as petty offenses, except

during an election campaign period (typically 18 days), when they are treated as a crime. Libel and slander cases, when prosecuted as petty offenses, are punishable by moderate fines. When prosecuted as a crime, they are punishable by more substantial fines or imprisonment from one month to one year. If a media organization is found guilty of libel or slander during an election campaign period, its license can be suspended for six months.

Observers continued to express concern over 2020 amendments to the criminal code making spreading “evidently false information thereby causing damage to others’ honor, dignity, or the business reputation of legal entities” (an offense distinct from libel or slander) a crime punishable by a fine, 240 to 720 hours of community service, revocation of the right to travel for one to three months, or some combination of these. The Globe International Center noted the lack of a narrow definition of what constitutes “evidently false information” and “the spread of false information” allows those in power to use the law arbitrarily.

In May following publication of an article on an investigation into state-owned enterprise Mon-Atom in the *Ugluunii Sonin* newspaper, the company filed a civil lawsuit against the newspaper for injuring its business reputation by spreading false and misleading information. The company demanded a front-page retraction and 100 million tugriks (\$35,100) in compensation. The case was ongoing as of November.

Internet Freedom

By law individuals and groups may engage in the peaceful expression of views on the internet. The government maintained a list of blocked websites and added sites to the list for alleged violations of relevant laws and regulations, including those relating to intellectual property. Information on the number of newly blocked websites was not available.

A regulation places broad restrictions on inappropriate content without defining objectionable content explicitly. The regulation requires websites with heavy traffic to use filtering software that makes publicly visible the internet protocol addresses of those commenting or sharing content.

In January police charged an individual with spreading false information after he

complained on Facebook about the poor management of a COVID-19 isolation center. The individual was convicted and fined 500,000 tugriks (\$175) but successfully appealed the court decision in June.

In October the National Police Agency opened an investigation against a Twitter user after he criticized the prime minister and deputy prime minister for wasting taxpayers' money on unnecessary projects. He was accused of violating the Law on Prevention from Crimes and Offenses because he failed to respect others' reputation and honor when expressing his personal views. As of November, the case was ongoing.

Academic Freedom and Cultural Events

Other than measures imposed by the government due to the COVID-19 pandemic, there were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights, although they were curtailed during the period of heightened emergency due to state-imposed social distancing requirements. Some groups complained about these restrictions.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. In response to COVID-19, the government suspended commercial flights into and out of the country, leading some citizens stuck outside the country to criticize the

government's blanket ban on flights as excessive.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to UNHCR-recognized refugees, asylum seekers, and other persons of concern.

Access to Asylum: The law provides for granting asylum, and the government provided limited protections to foreign residents in the country while UNHCR adjudicated their refugee claims. The law establishes deportation criteria and permits the Agency for Foreign Citizens and Naturalization (the country's immigration agency) to deport asylum seekers whom it deems do not qualify.

Employment: The law does not afford a specific legal status to refugees and asylum seekers. Authorities usually treated them as irregular migrants and did not issue them work permits.

Access to Basic Services: Because the law does not provide for refugee status, asylum seekers generally did not have access to government-provided basic services such as health care and education. Refugees and asylum seekers could access private medical facilities with UNHCR support.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Presidential elections were held June 9; the most recent parliamentary elections were held in 2020. The Organization for Security and Cooperation in Europe sent a small team of international observers to observe the

presidential election. They concluded, “the candidates could campaign freely even though the pandemic largely ruled out face-to-face campaigning, but the stringent rules on candidate eligibility, campaigning and editorial freedom are out of sync with international standards, and the lack of campaign finance transparency remained a matter of concern.” Although observers acknowledged the election process was well administered and organized, they noted that an apparent inequality of resources and the involvement of public officials in the campaign increased the advantages of the ruling party.

Before the June presidential election, courts blocked the incumbent Democratic Party president, Battulga, from running for re-election in accordance with a constitutional amendment enacted in 2020 limiting presidents to one term, a limitation the president said should not apply to him as the incumbent. Battulga also unsuccessfully attempted to disband the Mongolian People’s Party through lawsuits.

Whereas citizens residing abroad were excluded from voting in the 2020 parliamentary elections, they were able to vote in the June presidential election through the country’s diplomatic missions.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of historically marginalized or minority groups in the political process, and they did participate. According to election law, at least 20 percent of candidates nominated by a political party or coalition for local and national political office must be women; political parties generally complied with this requirement. For example, in the 2020 parliamentary election, approximately 25 percent of the candidates nominated by the various political parties and coalitions were women. Women voters outnumbered men at the polls by 11 percentage points.

Section 4. Corruption and Lack of Transparency in Government

Corruption at all levels of government remained widespread. The politicization of anticorruption efforts presented an obstacle to effectively addressing corruption. The law provides criminal penalties for corruption by officials, but the government

did not always implement the law effectively, and corruption continued at all levels. Some officials engaged in corrupt practices with impunity. The government implemented the fifth year of a six-year action plan to combat corruption adopted in 2016. The criminal code contains liability provisions for corruption and corruption-related offenses for public servants and government officials. For example, the code dictates that those sentenced for corruption may not work in public service for a specified period.

Corruption: In July the prime minister established a government working group to combat corruption. In September the first instance criminal court convicted Ulaanbaatar's former chief prosecutor of corruption for acquiring unexplained wealth. Police found 199 million tugriks (\$70,000) in his home during a raid. He was fined 14 million tugriks (\$4,900) and banned from public service for two years.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were sometimes cooperative and responsive to their views.

Progovernment actors sometimes characterized such NGOs as “undesirables,” “troublemakers,” “foreign agents,” or “opponents of the state.”

On July 1, a new Law on Legal Status of Human Rights Defenders entered into force. The law establishes a mechanism for recognizing, promoting, and protecting human rights defenders.

Government Human Rights Bodies: The NHRC is responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGOs. The NHRC's six commissioners are selected on a competitive basis and appointed by parliament for six-year terms. Officials reported government funding for the NHRC, provided by parliament, remained

inadequate, and inspection, training, and public awareness activities were entirely dependent on external funding sources. The NHRC consistently supported politically contentious human rights issues, such as the rights of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) individuals, persons with disabilities, and ethnic minorities.

There was some collaboration between the government and civil society in discussing human rights problems.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The criminal code criminalizes forced or nonconsensual sexual intercourse or sexual acts that involve the use or threat of physical violence, abuse a position of authority (financial or official), or take advantage of the victim's incapacity to protect himself or herself or object to the commission of the act due to mental illness, temporary loss of mental capacity, or the influence of drugs or alcohol, and provides for sentences of one to 20 years' imprisonment or life imprisonment, depending on the circumstances. The criminal code criminalizes spousal rape. Domestic violence is also a crime, for which perpetrators can be punished administratively or criminally, including in the latter case by a maximum of two years' imprisonment. The government maintains a nationwide database of domestic violence offenders, and those who commit a second domestic violence offense are automatically charged under criminal law.

Despite continued attention, domestic violence remained a serious and widespread problem. The National Center against Violence reported some victims had difficulty reporting abuse because of COVID-19 related lockdowns. Combating domestic violence is included in the accredited training curriculum of the police academy and in all police officer position descriptions.

The National Center against Violence reported a 25 percent increase in domestic violence in the second half of 2020. They attributed this rise to school closures and restrictions on movements in response to the COVID-19 pandemic. The NHRC noted in its annual report that domestic violence crimes increased by 30

percent. The NRHC report also concluded that the multiple lockdowns imposed during the pandemic may have increased domestic violence incidents and limited chances for victims to seek protection.

A special national police unit is dedicated to combating domestic violence. There were 20 shelters and 17 one-stop service centers for domestic violence survivors run by police, a variety of NGOs, local government agencies, and hospitals. All shelters followed standard operating procedures developed by the National Center against Violence. The one-stop service centers, located primarily at hospitals, provided emergency shelter for a maximum of 72 hours. The relatively small number of shelters located in rural areas presented a problem for domestic violence victims in those areas.

Sexual Harassment: The criminal code does not address sexual harassment. NGOs said there was a lack of awareness and consensus within society of what constituted inappropriate behavior, making it difficult to gauge the extent of the problem. Upon receiving a complaint of sexual harassment, the NHRC may investigate, after which it may send a letter to the employer recommending administrative sanctions be levied against the accused party.

In April women accused a member of parliament, Anandbazar, of workplace sexual harassment that took place in 2019, before he was elected to parliament. The allegations spurred a nascent #MeTooMongolia movement, urging the legislator's party, legislators, and law enforcement to pursue justice for the victims. The Mongolian People's Party suspended Anandbazar from party activities and its parliamentary caucus. As of October, no legal action has been taken in this case.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Two NGOs confirmed that, despite a May directive from the Ministry of Education and Science banning the practice, girls continued to be subjected to gynecological examinations (without prior notification or parental consent) at some rural schools. The exams, reportedly to check for signs of sexual abuse and sexually transmitted disease, were commonly known as virginity tests.

The government provided access to sexual and reproductive health services for

survivors of sexual violence. Emergency contraception for rape survivors is offered within five days.

Discrimination: The law provides the same legal status and rights to women and men, including equal pay for equal work and equal access to education. These rights were generally observed, although women faced discrimination in employment. As of November, the NHRC had received 25 complaints of discrimination: nine based on social status, four on disability, three on ethnicity, two on beliefs and education, one on age, one on property ownership, one on employment, and four on sexual orientation.

The law sets mandatory minimum quotas for women in the government and political parties. It also prohibits discrimination based on sex, appearance, or age, although some NGOs noted authorities did not enforce this provision. By law women must comprise at least 15 percent of political appointees to government positions at the national, provincial, and capital city levels; 20 percent at the district level; and 30 percent at subdistrict levels. The law also requires that women must represent at least 25 percent of a political party's senior leadership. Women were underrepresented at the highest levels of government, although representation improved marginally following June 2020 parliamentary elections. Of the country's 16 cabinet ministers, four were women. Of the 76 members of parliament, 13 were women. While the gender quota was met in most jurisdictions following the 2020 local elections, Bayan-Ulgii Province failed to meet the quota at the provincial and some subprovincial levels.

In most cases a divorced wife retained custody of any children, but divorced husbands were often not penalized for failing to pay child support. Women's rights activists said that because family businesses and properties usually were registered under the husband's name, ownership continued to be transferred automatically to the former husband in divorce cases.

The National Committee on Gender Equality, chaired by the prime minister and overseen by the Ministry of Labor and Social Protection, coordinates policy and women's interests among ministries, NGOs, and gender councils at the provincial and local levels. The government's *National Program on Gender Equality 2017-21* and its related action plan seek the economic empowerment of women and

equal participation in political and public life.

Systemic Racial or Ethnic Violence and Discrimination

The law protects the rights of members of racial or ethnic minorities or groups from violence and discrimination. The government enforced the laws effectively.

The country is 96 percent ethnic Mongol. There were no significant issues for the country's small Kazakh minority, concentrated in the far west. Members of extremist groups sometimes harassed foreigners, such as Chinese and Vietnamese residents.

Children

Birth Registration: Citizenship derives from one's parents. Births are immediately registered and a registration number issued through an online system jointly developed by the Ministry of Health, National Statistics Office, and State Registration Agency. Failure to register could result in the denial of public services.

Child Abuse: The criminal code includes a specific chapter on crimes against children, including abandonment, inducing addiction, engaging children in criminal activity or hazardous labor, forced begging, or engaging in pornography.

Child abuse was a significant problem and consisted principally of domestic violence and sexual abuse. The Family, Child, and Youth Development Authority (FCYDA) operated a hotline to report child abuse, an emergency service center, and a shelter for child victims of abuse. The government-run shelter served child victims of domestic violence, sexual abuse, neglect, and abandonment, but it had inadequate capacity to provide separate accommodation for especially vulnerable or sensitive children. The FCYDA also stated it provided funding to an NGO in Ulaanbaatar to run additional shelters to which it referred child victims of abuse. According to an NGO, space was inadequate for the number of child abuse victims referred for long-term care.

Although the FCYDA reported an increase in reports of child abuse in previous years following enactment of obligatory reporting laws, reports of child abuse fell

by 30 percent during the year compared with 2019, largely attributed to the fact that the primary reporters of such abuses – schools, kindergartens, and other educational institutions – were closed between January and September due to COVID-19-related protective measures. The NHRC reported that the pandemic increased the vulnerability of children to violence, negligence, and malnourishment. Worsening poverty and unemployment, the closure of schools where lunch is provided, and a lack of social and psychological help for children and parents during the pandemic-related restrictions all contributed to these problems.

Child abandonment was also a problem. Some children were orphaned or ran away from home because of neglect or parental abuse. Police officials stated they sent children of abusive parents to shelters, but some observers indicated many youths were returned to abusive parents. According to the FCYDA, as of June, 2,646 child victims received protection services from 33 temporary and one-stop service centers. Every province and all of Ulaanbaatar's district police offices had a specialized police officer appointed to investigate crimes against, or committed by, juveniles.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18, with court-approved exceptions for minors ages 16 to 18 who obtain the consent of parents or guardians.

Sexual Exploitation of Children: Although illegal, the commercial sexual exploitation of children younger than 18 was a problem. The minimum age for consensual sex is 16. Violators of the statutory rape law (defined as sexual intercourse with a person younger than 16 not involving physical violence or the threat of violence) are subject to a maximum penalty of five years in prison. Those who engaged children in prostitution or sexual exploitation are subject to a maximum penalty of 20 years in prison, or life imprisonment if aggravating circumstances are present. Under the criminal code, the maximum penalty for engaging children in pornography is eight years' imprisonment. The FCYDA reported they logged 298 complaints related to sexual exploitation of children, 98 of which resulted in convictions.

International Child Abductions: The country is not a party to the 1980 Hague

Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish population was very small, and there were no reports of anti-Semitic acts. Neo-Nazi groups active in the country tended to target Asian nationalities and not Jews.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, defining these as persons with long-term physical, intellectual, mental, or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others. The prime minister created the position of advisor on social protection and development issues in his office who is responsible for recommendations on government policy for persons with disabilities. Most government buildings remained inaccessible to wheelchairs, and only a few intersections in Ulaanbaatar were equipped with auditory crosswalks to aid pedestrians with visual impairments.

There is no explicit prohibition of discrimination in education, but the law charges the government with creating conditions to provide students with disabilities with an education. Children with disabilities are by law allowed to attend preschools and mainstream schools but faced significant barriers. Schools often lacked trained staff and the infrastructure to accommodate children with disabilities.

The implementation of a 2019 order requiring mainstream schools to facilitate inclusive education and retrofit schools accordingly was poor due to inadequate teacher training and lack of a system for employing assistant teachers. Although

increasing numbers of mainstream schools accepted children with disabilities, some schools reportedly rejected such children.

Although the law mandates standards for physical access to new public buildings and a representative of persons with disabilities serves on the state commission for inspecting standards of new buildings, most new buildings were not constructed in compliance with the law. Public transport remained largely inaccessible to persons with disabilities. According to the Mongolian National Association of Wheelchair Users, only eight out of 964 public transport buses in Ulaanbaatar are equipped for wheelchair users, and they run on only one of 98 routes. Emergency services were often inaccessible to blind and deaf persons because service providers lacked trained personnel and appropriate technologies. NCAV reported they have improved some of their domestic violence shelters to make them accessible to persons with disabilities.

To mitigate economic harm caused by the COVID-19 pandemic, the government disbursed an additional 100,000 tugriks (\$35) per month to social welfare recipients, including children with disabilities.

HIV and AIDS Social Stigma

Although there was no official discrimination against those with HIV or AIDS, some societal discrimination existed. The public generally continued to associate HIV and AIDS with same-sex sexual activity, burdening victims with social stigma and potential employment discrimination.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

LGBTQI+ individuals faced violence and discrimination both in public and at home based on their sexual orientation or gender identity. There were reports LGBTQI+ persons faced greater discrimination and fear in rural areas than in Ulaanbaatar due to less public awareness and limited online media access in rural areas. The NGO LGBT Center received reports of violence against LGBTQI+ persons, most involving young persons disclosing their LGBTQI+ status to their

families or whose families discovered they were LGBTQI+.

In July an LGBTQI+ social media celebrity was physically assaulted by a few local community members in Arkhangai Province because he allegedly brought shame to the reputation of the province. A police investigation was ongoing.

In September during Pride Days, the deputy governor of Ulaanbaatar publicly expressed a discriminatory view of LGBTQI+ persons on Facebook and ordered the removal of Pride Days advertisements on bus stops and inside buses that were paid for by the LGBT Center. Following the deputy governor's Facebook post, the LGBT Center received multiple death threats from unknown members of the public. The LGBT Center filed a police complaint in September, and as of November the case was under investigation. The NHRC delivered several directives to the governor of Ulaanbaatar, including a nonbinding demand to make a public apology and conduct awareness training on the rights of sexual minorities and the law on human rights defenders for city employees.

Evidence gathered from the LGBTQI+ community suggested a lack of understanding of sexual minorities among health-care providers, as well as a lack of understanding of physical and psychological problems members of the LGBTQI+ community might face. LGBTQI+ persons said they feared that the disclosure of their sexuality to health-service providers would lead to ridicule, denial of service, or reporting of their sexuality to other government authorities.

There were reports of discrimination against LGBTQI+ persons in employment.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form or join independent unions and professional organizations of their choosing without previous authorization or excessive requirements. The law provides for the rights of all workers except those employed in essential services to participate in union activities without discrimination, conduct strikes, and bargain collectively. The law requires

reinstatement of workers fired for union activity.

The law bars persons employed in essential services – defined as occupations critical for national defense and safety, including police, utilities, and transportation services – from striking, and it prohibits third parties from organizing strikes. The decision to strike must be supported by a majority of trade union members and a notice of the date, duration, and number of strikers should be delivered to management at least five days before the intended date of strike. The law prohibits strikes unrelated to matters regulated by a collective agreement.

The government inconsistently enforced laws providing for the rights of collective bargaining and freedom of association. Labor laws apply to the informal sector but were seldom enforced. Penalties, largely fines, were not commensurate with those for similar violations. Labor dispute settlement committees resolved most disputes between individual workers and management. These committees comprise representatives of the local government, the employer, and the employee, who is joined by a representative of the Confederation of Mongolian Trade Unions (CMTU). The CMTU reported the court process was so lengthy many workers abandoned their cases due to time and expense.

In July the Trade Union of Healthcare Workers organized a nine-day sit-in demonstration in Ulaanbaatar. Overwhelmed by a spike in COVID-19 cases, the health-care workers faced physical and mental health and financial issues; they demanded a salary increase and life insurance. The government agreed to double salaries, but as of November this deal had not been implemented. In May the CMTU successfully negotiated with the government to increase public-sector salaries next year, particularly for teachers and health-care workers.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor, except as part of a legally imposed sentence. The criminal code provides for a fine or imprisonment for forced labor offenses; these were not commensurate with penalties for similar serious crimes. The government did not effectively enforce the law. Inspection was not adequate, and inspectors did not perform unannounced

inspections or enforce the law in the informal sector.

There were isolated reports of forced child labor, such as forced prostitution and begging, but there were no prosecutions for forced labor during the year.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The law provides for penalties for forced labor or slavery; prohibits the use of children in prostitution; or the use, procurement, or offering of a child for the production and trafficking of drugs. The law prohibits children younger than 14 from working. The minimum age for work does not apply to children in the informal sector or to those who are self-employed. At age 14 children may, with parental and government permission, work a maximum of 30 hours per week to acquire vocational training and work experience. At age 15 children may enter into a vocational training contract with permission from parents or guardians.

According to a Ministry of Labor and Social Protection order, children younger than 18 may not work in hazardous occupations such as mining and construction; engage in arduous work; serve as jockeys during the winter (children may be jockeys beginning at age seven during other seasons); participate in cultural, circus, or folk-art performances at night; work in businesses that sell alcoholic beverages; or engage in roadside vending. Despite these restrictions, children were commonly seen participating in horse racing, roadside vending, and other occupations in contravention of the order.

The government did not effectively enforce the law. Authorities reported employers often required minors to work in excess of 40 hours per week and paid them less than the minimum wage. Penalties were not criminal and were not commensurate with those for similar serious crimes. Child labor, including forced child labor, occurred in many sectors, including in hotels and restaurants, vehicle repair, manufacturing, petty trade, scavenging, forced begging, event or street contortionism (a local art form), and the illicit sex trade (see section 6, Children). The FCYDA, the General Agency for Specialized Inspection (GASI), and police

jointly conducted 45 child labor inspections at 304 business entities, including at car washes, artisanal mining sites, public markets, service centers, dumpsites, construction and transportation sites, and farms. The inspections identified 144 children working at these sites. GASI did not conduct any inspections in the informal sector, where most children who worked are employed.

International organizations continued to express concern about child jockeys in horseracing. In July the UN mission in the country urged the government “to take as a matter of urgency, the necessary measures in law and in practice to ensure that no child under 18 years of age is recruited as a horse jockey, at any time of the year.” Children commonly learned to ride horses at age four or five, and young children traditionally served as jockeys during the annual Naadam festival in races ranging from two to 20 miles. All jockeys including child jockeys are prohibited from working from November 1 to May 1, when cold weather makes racing more hazardous.

Although the nationwide Naadam festival in July was cancelled due to the COVID-19 pandemic, provinces were authorized to organize local celebrations, provided precautionary measures were taken. GASI reported children participated in horse races 1,647 times in six provinces. In June a 12-year-old child died in Tuv Province after falling off a horse during a race. In the same month, an 11-year-old child was seriously injured in Arkhangai Province while training a horse.

Racing regulations also require registration, insurance, adequate headgear, and chest protection, but despite greater government and public attention to safety, enforcement was inconsistent. The required insurance policy for jockeys pays them or their surviving family members up to 20 million tugriks (\$7,000) in case of injury or death sustained during a race. Observers reported compliance with safety regulations at national races but less satisfactory compliance at community and regional events.

The FCYDA maintained an electronic database containing information on more than 10,000 (of an estimated 30,000) child jockeys and collected biometric information to better track jockeys and prevent children younger than seven from working as jockeys. The government, however, conducts child labor inspections at horse racing events only once a year and must provide 48 hours’ notice before

initiating an investigation.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment and occupation based on nationality, language, race, age, gender, sexual orientation, sex or marital status, social origin or status, wealth, religion, ideology, education, or medical status. It also prohibits employers from refusing to employ a person with disabilities but provides broad exceptions, applying “unless the condition of such person prevents him from performing a specified activity or would otherwise be contrary to established working conditions at the workplace.” The law prohibits employers from refusing employment to or dismissing an individual diagnosed with HIV or AIDS unless the condition makes it difficult to perform job duties. The law also prohibits women from working in occupations that require heavy labor or exposure to chemicals that could affect infant and maternal health.

The government enforced the law inconsistently, and discrimination occurred in employment and occupation based on sex and disability, as well as on sexual orientation, gender identity, and HIV status. Penalties were not commensurate with those for similar violations. Workers had the right to take discrimination cases to court, but the judicial process was slow and ineffective.

The law charges employers with taking steps to prevent sexual harassment in the workplace, including by establishing internal rules about sexual harassment and the redress of complaints, but provides no penalties. The NHRC reported it received 11 complaints of sexual harassment in the workplace and conducted inspections at three of the workplaces. The NHRC referred two cases to police for investigation. According to the latest census conducted by the National Statistical Office in 2020, the monthly wages paid to men were, on average, 20 percent higher than those paid to women.

Although the law requires workplaces with more than 25 employees to employ a

minimum of 4 percent of persons with disabilities or pay a fine, NGOs reported reluctance to hire them persisted. They also noted the government itself failed to meet the quota. Members of the disability community noted that, even when hired, the lack of accessible public transport made it difficult for persons with disabilities to hold a job (see section 6, Persons with Disabilities).

The Labor Ministry's Department for the Development of Persons with Disabilities is responsible for developing and implementing employment policies and projects for persons with disabilities. Government organizations and NGOs reported employers' attitude toward employing persons with disabilities had not improved and that many employers still preferred to pay fines to the Employment Support Fund maintained by the Labor Ministry rather than employ persons with disabilities.

NGOs, the NHRC, and members of the LGBTQI+ community reported companies rarely hired LGBTQI+ persons who were open about their sexual orientation or gender identity, and LGBTQI+ persons who revealed their status in the workplace frequently faced discrimination, including the possibility of dismissal. Illegally dismissed LGBTQI+ persons rarely sought court injunctions to avoid disclosing their status and increasing the risk of discrimination.

Foreign migrant workers did not receive the same level of protection against labor law violations as the general population.

e. Acceptable Conditions of Work

Wage and Hour Laws: The National Tripartite Committee, which comprises the government, the CMTU, and the Federation of Employers, annually establishes a national minimum wage that is above the poverty line. The law provides for a standard workweek of 40 hours and the payment of overtime, but in practice payment of overtime is rarely enforced. The law does not cover workers in the informal sector.

The government did not effectively enforce the law in all sectors. The Ministry of Labor and Social Protection enforced the law in the public sector, but the CMTU reported that many workers in the private sector received less than the wage promised by their employers, particularly at smaller companies in rural areas.

Workers in the construction sector, in which work is constrained to a few months each year due to extreme winters, were sometimes pressured to work long hours, increasing the risk of accidents and injuries.

Occupational Safety and Health: Laws on labor, cooperatives, and enterprises establish occupational health and safety standards, which apply equally to local and foreign workers. GASI noted many standards were outdated.

Labor inspectors assigned to GASI's regional and local offices are responsible for enforcement of all labor regulations and have the authority to compel immediate compliance. The government did not effectively enforce the law. Inspectors generally did not conduct inspections in the informal sector. GASI reported its inspectors, faced with large investigative workloads, needed better training on investigative techniques and evidence collection. GASI reported some of the planned inspections for the year were not conducted because most inspectors were deployed to work on the frontline during COVID-19 lockdowns. GASI acknowledged that fines imposed on companies for not complying with labor standards or for concealing accidents were not commensurate with those for similar violations and did not compel management compliance. GASI lacks the authority to perform unannounced inspections.

According to the latest census conducted by the National Statistics Office in 2020, there were 4,039 foreign workers in the country and 2,069 of them were from China. There were no North Korean workers reported in the country.

Workers have the right to remove themselves from situations that endanger safety without jeopardy to their employment. The CMTU raised concerns that, due to restrictions at the Mongolia-China border, coal-truck drivers often faced very poor labor conditions caused by waiting at the border in their trucks, sometimes for a month, without proper lodging.

Between January and August, GASI provided 11 safety-training sessions, forums, and public awareness sessions to more than 700 employees of companies and private enterprises. As of August, 144 persons have been involved in industrial accidents, 14 of which resulted in death, representing a decrease of 54 and six,

respectively, from the previous year.

Informal Sector: The law applies to the informal sector, but it was not enforced, and workers have no assured rights. The government calculated in 2020 that the nonagricultural informal sector employed 210,000 persons (44 percent of the 481,400 employees in the informal sector), primarily concentrated in urban areas (90 per cent of the employees in nonagricultural sectors were in Ulaanbaatar). Subsistence agriculture and herding and artisanal mining make up the biggest components of the informal sector. The law on pensions allows small family businesses and workers in the informal economy (such as herders) to participate in pension and social benefit programs. These categories of workers were able to access health care, education, social entitlements, and an optional form of social security.